

Office of Legislative Counsel

6 APR 1978

Mr. Michael J. O'Neil, Chief Counsel
Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515

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Dear Mike:

I would like to provide you with some additional background material in preparation for our meeting to discuss our concerns with certain provisions in S. 1437, the "Criminal Code Reform Act of 1978," which passed the Senate on 30 January 1978 and which is now before the Subcommittee on Criminal Justice of the House Committee on the Judiciary.

When we reviewed this bill last year, we noted that several provisions therein, which would make it a crime to engage in the specified activities, did not explicitly exempt activities conducted by Government officials pursuant to existing authority. Relevant examples include:

--sections 1521-1526, which would make it a crime to eavesdrop or intercept correspondence, including mail and telecommunications;

--section 1205, which would make it a crime for any person to disclose the contents of a diplomatic code or any information intercepted in the process of transmission between a foreign government and its diplomatic mission in the United States;

--section 1201, which would make it a crime to attack a foreign power;

--section 1203, which would prohibit recruiting for a foreign armed force; and

--sections 1741 and 1742, which would outlaw counterfeiting or forgery.

There are other sections in this bill that also raise questions of applicability to legitimate and authorized CIA activities. Incidentally, jurisdiction extends in some of these provisions to activities conducted by Federal officials overseas (sections 201-204).